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UNDER
SEAL**

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Rev. June 2014

**United States District Court
for
the District of Nevada**

**PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION**

Name of Offender: **Sam Amadeo Battani**

Case Number: **2:10CR00202**

Name of Sentencing Judicial Officer: **Honorable Kent J. Dawson**

Date of Original Sentence: **June 10, 2011**

Original Offense: **Conspiracy to Commit Bank Fraud, Wire Fraud, Mail Fraud
Access Device Fraud, and Money Laundering**

Original Sentence: **60 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **September 17, 2013**

PETITIONING THE COURT

To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Shall Not Commit Crime - The defendant shall not commit another federal state or local crime.**

From an unknown date, but not later than in or around October 2013, to on or after June 15, 2016, Battani did knowingly, willfully, and unlawfully agree, and conspire with his brother (co-defendant), Adam Amadeo Battani, to commit the following federal offenses, in violation of the listed statutes:

18 U.S.C. § 641- Theft of Public Money
18 U.S.C. § 1028- Identity Theft
18 U.S.C. § 1029- Access Device Fraud
18 U.S.C. § 641- Theft of Government Property
18 U.S.C. § 278- False, Fictitious, or Fraudulent Claims

RE: Sam Amadeo Battani

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18 U.S.C. § 1344- Bank Fraud
18 U.S.C. § 1956- Money Laundering
42 U.S.C. § 408-Social Security Fraud

Sam Amadeo Battani and Adam Amadeo Battani have been perpetrating an identity theft scheme wherein the identities of deceased persons are used to file fraudulent federal income tax returns with the Internal Revenue Service (IRS) and to open up bank accounts in the deceased names. The tax refunds stemming from the fraudulent tax returns are deposited into the bank accounts opened in the identities of the deceased individuals.

Sam Amadeo Battani and Adam Amadeo Battani will withdraw these funds from the accounts by various means, to include writing checks to themselves using aliases or to co-conspirators and then depositing these checks into their personal bank accounts. In addition, they withdraw funds by making cash withdrawals from Automated Teller Machines.

An investigation by the IRS has identified five (5) financial institutions used in this scheme. To date, there have been 73 accounts opened at these various financial institutions with 203 fraudulent tax refunds deposited into these accounts totaling \$841,823.50.

2. **True Name - You shall use your true name at all times and will be prohibited from the use of any aliases, false dates of birth, social security numbers, places of birth, and any other pertinent demographic information.**

As reflected in allegation #1, Battani has been using names, dates of birth, social security numbers, and other demographic information of deceased individuals to commit the offenses detailed in allegation #1.

Specifically, Battani has assumed the identity of deceased individuals by utilizing their pertinent demographic information in order to establish various bank accounts for purposes of accepting fraudulent tax refunds on behalf of these deceased individuals. In doing so, the offender is also preparing and filing fraudulent tax returns with the IRS using the names and identifiers of deceased individuals. The offender is then withdrawing these funds through various means.

Battani, in doing so, is in violation of this condition by using names and identifiers other than his own.

RE: Sam Amadeo Battani

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U.S. Probation Officer Recommendation:

The term of supervision should be:

Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on September 12, 2016


Todd Fredlund
2016.09.13
12:34:21 -07'00'

Todd J. Fredlund
Supervisory United States Probation Officer

Approved:

 Benjamin Johnson
2016.09.13 12:25:10
-07'00'

Benjamin B. Johnson
Supervisory United States Probation Officer

RE: Sam Amadeo Battani

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THE COURT ORDERS

- No Action.
- The issuance of a warrant.
- The issuance of a summons.
- Other:



Signature of Judicial Officer

September 13, 2016
Date

RE: Sam Amadeo Battani

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. SAM AMADEO BATTANI, 2:10CR00202

SUMMARY IN SUPPORT OF PETITION FOR WARRANT
September 12, 2016

The United States Probation Office, through the United States Attorney's Office for the District of Nevada, received notification that the offender, along with his brother, Adam Amadeo Battani, has been perpetrating an identity theft scheme wherein the identities of deceased persons are used to open bank accounts and file fraudulent federal income tax returns with the Internal Revenue Service (IRS).

As set forth in the declaration prepared by Internal Revenue Service-Criminal Investigation Special Agent Bryan M. Starke, the offender, while under supervised release, has been committing criminal offenses. According to Special Agent (SA) Starke, the scheme occurs in the following manner. Fraudulent tax returns are filed with the IRS electronically online or by mail using stolen identification information, including names and social security numbers ("SSNs"). The identities listed on the tax returns are those of deceased individuals. The tax refunds stemming from the fraudulent tax returns are mostly direct deposited by the IRS into bank accounts opened in the identities of the deceased individuals; on occasion, the schemers receive a U.S. Treasury check, which the schemers deposit into bank accounts. The schemers then extract the funds from the accounts by writing checks to themselves using known aliases or to co-conspirators and depositing the checks into their personal bank accounts. The schemers also extract funds by making cash withdrawals from Automated Teller Machines. To date, there have been 203 fraudulent tax refunds deposited into 73 various accounts totaling \$841,823.50.

SA Starke is in possession of bank surveillance photos of the offender making cash withdrawals from known fraudulent accounts into which stolen IRS tax refunds were deposited into.

Battani commenced supervised release on September 17, 2013, in the Central District of California. As outlined in this petition, the offender immediately resumed his criminal ways by engaging in fraudulent activity that is similar to the conduct in the underlying offense. It is clear the offender has no intent to cease with illicit activity and is a significant financial threat to the community. The issuance of a warrant to initiate revocation proceedings is requested. Furthermore, Battani is considered a flight risk with family and strong ties to his birth country of Lebanon. Therefore, it is requested the offender remain detained pending disposition of this matter.

Respectfully submitted,



Todd Fredlund
2016.09.13 12:34:39
-07'00'

Todd J. Fredlund
Supervisory United States Probation Officer

RE: Sam Amadeo Battani

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Approved:

 Benjamin Johnson
2016.09.13 12:25:32
-07'00'

Benjamin B. Johnson
Supervisor United States Probation Officer